IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9255 of 2005

Between:

Mohd. Nayeemuddin, (EC.87642) S/o.Sirajuddin

..... PETITIONER

AND

1 The Andhra Pradesh State Road Transport Corporation, rep. by its Regional Manager, Nizamabad.
2 The Depot Manager, II Depot, APSRTC Nizamabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction especially one in the nature of writ of Mandamus: i) declaring the office order No.E2/648(2)/2005-NZB.II, dt.2.3.2005 issued by the 2nd respondent, as illegal and arbitrary and set aside the same. ii) consequently direct the respondents to provide the petitioner in any other alternative post duly protecting the petitioners pay and other service benefits w.e.f.2.3.2005 or in the alternative to keep the petitioner on supernumerary post duly protecting and paying petitioners wages and other service benefits w.e.f. 2.3.2005. iii) and pass such other order or orders.

Counsel for the Petitioner:MR.K.VASUDEVA REDDY

Counsel for the Respondent Nos.1 and 2: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court at the admission stage made the following O R D E R:

The petitioner was appointed as driver in the year 1978. The petitioner contends that having served the Corporation for more than 26 years, the respondents without providing alternative employment, passed the office order on 02.03.2005 retiring him on medical grounds. Hence this writ petition.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

Respondents have to take appropriate decision in accordance with the rules and regulations particularly in terms of Section 4 of Persons with disabilities (Equal, opportunities, protection of rights and full participation) Act, 1995 (for short 'the Disabilities Act'). Therefore, without going into merits of the case, the writ petition is disposed of directing the respondents to take appropriate decision for providing alternative employment to the petitioner as per Section 4 of the Disabilities Act within a period of two months from the date of receipt of a copy of this order. No order as to costs.

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(K.C.BHANU,J)

Dt:25th April, 2005

Note:CC in one week

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To

1 The Regional Manager, Andhra Pradesh State Road Transport Corporation, Nizamabad.
2 The Depot Manager, II Depot, APSRTC Nizamabad.

3 Two CD copies.